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August 2, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: *Federal-State Joint Board on Universal Service* (CC Docket No. 96-45);
Changes to the Board of Directors for the National Exchange Carrier Association, Inc. (CC Docket No. 97-21); *Universal Service Contribution Methodology* (WC Docket No. 06-122).

Dear Ms. Dortch:

In recent filings in the above-mentioned dockets, Cingular Wireless LLC has inadvertently misidentified the citation for a particular Commission quotation. I write to correct the record.

Specifically, in four filings, Cingular quoted Commission language stating that under the so-called wireless safe harbor, “CMRS providers currently may report a fixed percentage of revenues ranging from one to fifteen percent of total end-user telecommunications revenues.”¹ In these filings, that language was mistakenly attributed to the Commission’s 2001 Notice of Proposed Rulemaking regarding safe harbor-related issues.² In fact, that language appeared in the Commission’s subsequent 2002 order modifying the wireless safe harbor.³ The 2001 NPRM actually used somewhat different

¹ Letter from Ben G. Almond, Cingular Wireless LLC, to Marlene H. Dortch, Secretary, FCC, CC Docket Nos. 96-45 & 97-21 (filed July 26, 2006); Letter from Brian F. Fontes, Cingular Wireless LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-122 (filed July 19, 2006); Letter from Brian F. Fontes, Cingular Wireless LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-122 (filed July 18, 2006); Cingular Wireless, LLC, *Request for Review of Decisions of Universal Service Administrator*, CC Docket Nos. 96-45 & 97-21, at 8 n.19 (filed Mar. 31, 2006).

² *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans With Disabilities Act of 1990, Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size, Number Resource Optimization, Telephone Number Portability*, 16 F.C.C.R. 9892 (2001) (“2001 Contribution NPRM”).

³ *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Administration of the North American Numbering Plan and North American*

language to make the same point: “Instead of reporting their actual interstate and international end-user telecommunications revenues, wireless carriers may simply report a fixed percentage of revenues, which ranges from one to 15 percent.”⁴ Cingular regrets this error.

Please contact the undersigned if you have questions or need additional information.

Sincerely,

_____/s/_____

Brian F. Fontes
Vice President – Federal Relations

Numbering Plan Cost Recovery Contribution Factor and Fund Size, Number Resource Optimization, Telephone Number Portability, Truth-in-Billing and Billing Format, 17 F.C.C.R. 24952, 24960 ¶ 12 (2002).

⁴ 2001 Contribution NPRM at 9899 ¶ 11. Several other Commission and Wireline Competition Bureau orders express the very same point in different ways. See *Federal-State Joint Board on Universal Service*, 13 F.C.C.R. 21252, 21257-58 ¶ 13 (1998) (stating that order “establish[ed] a safe harbor percentage of interstate revenues for cellular and broadband PCS providers of 15 percent of their total cellular and broadband PCS telecommunications revenues.”); *Federal-State Joint Board on Universal Service; 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms; Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990; Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size; Number Resource Optimization; Telephone Number Portability; Truth-in-Billing and Billing Format*, 18 F.C.C.R. 1421, 1425 ¶ 8 n.24 (2003) (“For wireless telecommunications providers that avail themselves of the interim safe harbors, the interstate telecommunications portion of the bill would equal the relevant safe harbor percentage times the total amount of telecommunications charges on the bill.”); *Federal-State Joint Board on Universal Service, Access Charge Reform, Petition for Reconsideration and Clarification of the Fifth Circuit Remand Order of BellSouth Corporation*, 20 F.C.C.R. 13779, 13782 ¶ 8 (WCB 2005) (stating that the Commission’s rules “permit those utilizing the safe harbor procedure to report as interstate, for contribution purposes, 28.5 percent of their total end user telecommunications revenues....”); *Universal Service Contribution Methodology, et al.*, WC Docket No. 06-122 et al., Report and Order and Notice of Proposed Rulemaking, FCC 06-94 (rel. June 27, 2006) (“[M]obile wireless providers that choose to use the revised interim safe harbor must report 37.1 percent of their telecommunications revenues as interstate.”).